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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/312,740	05/14/1999	DOUGLAS F. BEAVEN	108473.114	2986
25247	7590	05/21/2007		
GORDON E NELSON PATENT ATTORNEY, PC 57 CENTRAL ST PO BOX 782 ROWLEY, MA 01969			EXAMINER TARAE, CATHERINE MICHELLE	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 05/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

09/312,740

### Applicant(s)

BEAVEN, DOUGLAS F.

### Examiner

C. Michelle Tarae

### Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 191-211 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 191-211 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a Final Office Action in response to the communication received on February 21, 2007.

Claims 1-190 have previously been canceled. Claims 191-192 and 203 have been amended. Claims 191-211 are now pending in this application.

#### ***Response to Amendment***

2. Applicant's amendments to claims 191-192 and 203 are acknowledged.

#### ***Response to Arguments***

3. Applicant's arguments have been fully considered, but are found unpersuasive.

In the Remarks, Applicant argues that patentable weight should be given to the language in the preamble reciting, *the persons not being specialists in information technology*.

In response to argument, Examiner respectfully disagrees. Applicant further supports the argument by stating that the persons of lines 10-12 of claim 211 are the persons from the preamble, *the persons not being specialists in information technology*. However, Examiner maintains her position from the last Office Action because, based on how the claim is currently recited, the fact that a person is not a specialist in information technology does not affect the functionality performed by the graphical user interface of "permitting a person of the persons to perform operations on a model entity." Therefore, since the title of the person (i.e., the person not being an information

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technology specialist) interacting with the system of claim 211 does not directly affect the claimed structure or the manipulative functionality of the system, the title of the person is analogous to that of non-functional descriptive data, which is generally not afforded any patentable weight. In other words, as the claim is currently recited, it does not preclude specialists in information technology from using the graphical user interface to perform operations on the model entity. Any type of user could be specified in the claimed system and the structural elements and manipulative functionality would remain the same. Therefore, this non-functional descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *In re Ngai*, 367 F.3d 1336, 1336, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004); MPEP § 2106. Additionally, the scope of what constitutes persons not being specialists in information technology is unclear. On page 8 of Applicant's Remarks, is stated, "Clearly, a person[] not being [a] specialist[] in information technology will not be able to get the output shown in FIG. 10 of Buteau's system." Examiner respectfully disagrees with this subjective statement since the claimed invention does not expressly set forth what is defined as not being a specialist in information technology. Therefore, Applicant's argument is not found persuasive.

The remainder of Applicant's argument relate to the newly added limitations. Thus, the arguments have been addressed in the updated rejections to the newly added limitations provided below.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 191-194 and 197-211 are rejected under 35 U.S.C. 102(e) as being anticipated by Buteau et al (U.S. 6,442,557).

As per claim 211, Buteau discloses a system for supporting management of a collaborative activity by persons involved therein, the persons not being specialists in information technology and the system comprising:

a representation of a model of the collaborative activity, the representation being accessible to a processor and the model of the collaborative activity including model entities (col. 10, lines 10-27; The organization roles entity models the interaction (i.e., collaborative activity) between various organizations, or entities, within an enterprise. The model reflects the roles a given entity has in a given process.), the model entities providing access to information concerning the collaborative activity, being organized into a plurality of hierarchies having a plurality of types, and a given model entity being capable of simultaneously belonging to a hierarchy having one of the types and a hierarchy having another of the types (col. 7, lines 19-26; col. 10, lines 6-13 and 32-39; Figure 7; Figure 4 illustrates one-to-many relationships among the organization model

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entities, showing entities having several hierarchical relationships. For example, each organization may be apart of another organization, and each organization may have more than one role, location, people, organization type, etc., thus being associated with multiple organizational hierarchies; In the organization roles entity model, each entity must be associated with a role type, organization entity, and process entity. For example, an organization may be a customer of another organization. The model entity hierarchies are stored in a relational database, thereby being accessible to a processor. Figure 7 illustrates hierarchies of model entities. For example, each organization entity has an organization role which has an organization role type, thereby exemplifying the organizations hierarchy.); and

a graphical user interface for the system which the processor provides to the persons, the graphical user interface permitting a person of the persons to perform operations on a model entity as limited by a type of access which the person has to the model entity, the operations including controlling access to the model entity, creating, modifying, and/or deleting the model entity, assigning the model entity to a location in a hierarchy, accessing and/or modifying the information concerning the collaborative activity via the model entity, viewing model entities as ordered by a hierarchy to which the entities belong, and viewing model entities as ordered by a value in the information concerning the collaborative activity to which the entities give access (col. 22, lines 20-31; Figure 8; A user interface implements common user interface features (i.e., drop-down menus) for enabling a user to edit data into the database entity models as illustrated by the "Edit Organizations" label at the top of the GUI in Figure 8, where

organizations is a model and locations, types of people and technology acquisitions are model entities. The user interface limits access to the database entity models by using the common user interface features such as drop-down menus to control the format of the data being submitted to the database.).

As per claim 191, Buteau discloses there is a plurality of types of model entities; and the graphical user interface shows a model entity's type (col. 5, lines 26-32; col. 6, lines 3-5; col. 8, lines 34-40; col. 11, lines 46-48; col. 13, lines 5-8 and 49-51; Figures 7-8; The system is a framework for organizing information about specific information models, including specifying entity types for each entity model. The GUI in Figure 8 allows users to view the entity types of locations, people and technology for the organizations model.).

As per claim 192, Buteau discloses the model has further representations of further information that are related to the model entities (col. 6, lines 3-47; The entity models provide further information about the entities including further data on information, workflow and technology relationships among the entities.); the graphical user interface further permits the user to access the representations of the related further information, via the model entities to which the representations are related (col. 22, lines 20-31; Figure 8; A user interface implements common user interface features (i.e., drop-down menus) for enabling a user to edit various data into the database entity models. The user interface limits access to the database entity models by using the common user interface features such as drop-down menus to control the format of the data being submitted to the database. The GUI in Figure 8 allows users to view the

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entity types of locations, people and technology (i.e., which is further information) for the organizations model.).

As per claim 193, Buteau discloses the graphical user interface further permits the user to modify the further information (col. 22, lines 20-31; Figure 8; A user interface implements common user interface features (i.e., drop-down menus) for enabling a user to edit data into the database entity models. The user interface limits access to the database entity models by using the common user interface features such as drop-down menus to control the format of the data being submitted to the database.).

As per claim 194, Buteau discloses the additional information is a document that is accessible to the system (col. 2, line 38; col. 6, lines 52-57; Figure 5; A data structure information model maintains the types and formats of information used by the enterprise.).

As per claims 197 and 210, Buteau discloses a data storage device (col. 2, lines 43-48; Figure 3; A database program is executed on a computer for managing enterprise models.).

As per claims 198-209, they recite similar limitations already rejected in claims 211 and 191-194, 197 and 210. Hence, the same rejections apply for claims 198-209 as applied to claims 211 and 191-194, 197 and 210.



***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 195 and 196 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buteau et al (U.S. 6,442,557).

As per 195, Buteau does not explicitly teach information is a message sent to a person by another person. Official notice is taken that both the concept and advantage of sending messages between people is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a messaging system in a processing management system to provide a more efficient means of communicating information among people.

As per claim 196, Buteau does not explicitly teach there is an information discussion concerning the model entity among the persons. Official notice is taken that both the concept and advantage of discussing model entities (i.e., enterprise organization charts, etc.) between people (i.e., management) is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a discussion means to provide a more efficient means of communicating enterprise organizational information among people.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Notani (U.S. 6,119,149) discusses a system allowing collaboration between enterprises;
- Cheng (U.S. 6,067,548) discusses a dynamic organization model.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-

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6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**C. MICHELLE TARAE**  
**PRIMARY EXAMINER**

May 7, 2007